

AMENDED IN ASSEMBLY MARCH 26, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

No. 2366

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Introduced by Assembly Member Eng

February 24, 2012

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An act to amend ~~Section~~ *Sections 1808.4 and 40225* of the Vehicle Code, relating to ~~the Department of Motor Vehicles~~ *vehicles*.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2366, as amended, Eng. ~~Department of Motor Vehicles: confidential-records~~ *records: equipment violations: parking control officers*.

**Existing**

(1) *Existing* law makes confidential the home address of any of a list of persons that appears in the Department of Motor Vehicles' records, if the person requests it to be kept confidential, with certain exemptions for information available to specified governmental agencies. The list of persons includes, among others, a nonsworn police dispatcher.

This bill would add a nonsworn sheriff's security officer to that list of persons.

(2) *Existing* law provides that the civil penalty for each equipment violation, including failure to properly display a license plate, is the amount established for that violation in the Uniform Bail and Penalty Schedule, except that upon proof of correction, the penalty is reduced to \$10.

*This bill would require that upon proof of correction, the penalty is \$25 rather than \$10.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1808.4 of the Vehicle Code is amended  
2 to read:

3     1808.4. (a) For all of the following persons, his or her home  
4 address that appears in a record of the department is confidential  
5 if the person requests the confidentiality of that information:

6     (1) Attorney General.

7     (2) State Public Defender.

8     (3) A Member of the Legislature.

9     (4) A judge or court commissioner.

10    (5) A district attorney.

11    (6) A public defender.

12    (7) An attorney employed by the Department of Justice, the  
13 office of the State Public Defender, or a county office of the district  
14 attorney or public defender.

15    (8) A city attorney and an attorney who submits verification  
16 from his or her public employer that the attorney represents the  
17 city in matters that routinely place the attorney in personal contact  
18 with persons under investigation for, charged with, or convicted  
19 of, committing criminal acts, if that attorney is employed by a city  
20 attorney.

21    (9) A nonsworn police dispatcher.

22    (10) A child abuse investigator or social worker, working in  
23 child protective services within a social services department.

24    (11) An active or retired peace officer, as defined in Chapter  
25 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal  
26 Code.

27    (12) An employee of the Department of Corrections and  
28 Rehabilitation, Division of Juvenile Facilities, or the Prison  
29 Industry Authority specified in Sections 20403 and 20405 of the  
30 Government Code.

31    (13) A nonsworn employee of a city police department, a county  
32 sheriff's office, the Department of the California Highway Patrol,  
33 a federal, state, or local detention facility, or a local juvenile hall,  
34 camp, ranch, or home, who submits agency verification that, in  
35 the normal course of his or her employment, he or she controls or  
36 supervises inmates or is required to have a prisoner in his or her  
37 care or custody.

38    (14) A county counsel assigned to child abuse cases.

1 (15) An investigator employed by the Department of Justice, a  
2 county district attorney, or a county public defender.

3 (16) A member of a city council.

4 (17) A member of a board of supervisors.

5 (18) A federal prosecutor, criminal investigator, or National  
6 Park Service Ranger working in this state.

7 (19) An active or retired city enforcement officer engaged in  
8 the enforcement of the Vehicle Code or municipal parking  
9 ordinances.

10 (20) An employee of a trial court.

11 (21) A psychiatric social worker employed by a county.

12 (22) A police or sheriff department employee designated by the  
13 Chief of Police of the department or the sheriff of the county as  
14 being in a sensitive position. A designation pursuant to this  
15 paragraph shall, for purposes of this section, remain in effect for  
16 three years subject to additional designations that, for purposes of  
17 this section, shall remain in effect for additional three-year periods.

18 (23) A state employee in one of the following classifications:

19 (A) Licensing Registration Examiner, Department of Motor  
20 Vehicles.

21 (B) Motor Carrier Specialist 1, Department of the California  
22 Highway Patrol.

23 (C) Museum Security Officer and Supervising Museum Security  
24 Officer.

25 (24) A nonsworn sheriff's security officer.

26 (25) (A) The spouse or child of a person listed in paragraphs  
27 (1) to (24), inclusive, regardless of the spouse's or child's place  
28 of residence.

29 (B) The surviving spouse or child of a peace officer, as defined  
30 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part  
31 2 of the Penal Code, if the peace officer died in the line of duty.

32 (C) (i) Subparagraphs (A) and (B) shall not apply if the person  
33 listed in those subparagraphs was convicted of a crime and is on  
34 active parole or probation.

35 (ii) For requests made on or after January 1, 2011, the person  
36 requesting confidentiality for their spouse or child listed in  
37 subparagraph (A) or (B) shall declare, at the time of the request  
38 for confidentiality, whether the spouse or child has been convicted  
39 of a crime and is on active parole or probation.

1 (iii) Neither the listed person's employer nor the department  
2 shall be required to verify, or be responsible for verifying, that a  
3 person listed in subparagraph (A) or (B) was convicted of a crime  
4 and is on active parole or probation.

5 (b) The confidential home address of a person listed in  
6 subdivision (a) shall not be disclosed, except to any of the  
7 following:

8 (1) A court.

9 (2) A law enforcement agency.

10 (3) The State Board of Equalization.

11 (4) An attorney in a civil or criminal action that demonstrates  
12 to a court the need for the home address, if the disclosure is made  
13 pursuant to a subpoena.

14 (5) A governmental agency to which, under any provision of  
15 law, information is required to be furnished from records  
16 maintained by the department.

17 (c) (1) A record of the department containing a confidential  
18 home address shall be open to public inspection, as provided in  
19 Section 1808, if the address is completely obliterated or otherwise  
20 removed from the record.

21 (2) Following termination of office or employment, a  
22 confidential home address shall be withheld from public inspection  
23 for three years, unless the termination is the result of conviction  
24 of a criminal offense. If the termination or separation is the result  
25 of the filing of a criminal complaint, a confidential home address  
26 shall be withheld from public inspection during the time in which  
27 the terminated individual may file an appeal from termination,  
28 while an appeal from termination is ongoing, and until the appeal  
29 process is exhausted, after which confidentiality shall be at the  
30 discretion of the employing agency if the termination or separation  
31 is upheld. Upon reinstatement to an office or employment, the  
32 protections of this section are available.

33 (3) With respect to a retired peace officer, his or her home  
34 address shall be withheld from public inspection permanently upon  
35 request of confidentiality at the time the information would  
36 otherwise be opened. The home address of the surviving spouse  
37 or child listed in subparagraph (B) of paragraph (25) of subdivision  
38 (a) shall be withheld from public inspection for three years  
39 following the death of the peace officer.

1 (4) The department shall inform a person who requests a  
2 confidential home address what agency the individual whose  
3 address was requested is employed by or the court at which the  
4 judge or court commissioner presides.

5 (d) A violation of subdivision (a) by the disclosure of the  
6 confidential home address of a peace officer, as specified in  
7 paragraph (11) of subdivision (a), a nonsworn employee of the  
8 city police department or county sheriff's office, or the spouses or  
9 children of these persons, including, but not limited to, the  
10 surviving spouse or child listed in subparagraph (B) of paragraph  
11 (25) of subdivision (a), that results in bodily injury to the peace  
12 officer, employee of the city police department or county sheriff's  
13 office, or the spouses or children of these persons is a felony.

14 *SEC. 2. Section 40225 of the Vehicle Code is amended to read:*

15 40225. (a) An equipment violation entered on the notice of  
16 parking violation attached to the vehicle under Section 40203 shall  
17 be processed in accordance with this article. All of the violations  
18 entered on the notice of parking violation shall be noticed in the  
19 notice of delinquent parking violation delivered pursuant to Section  
20 40206, together with the amount of civil penalty.

21 (b) Whether or not a vehicle is in violation of any regulation  
22 governing the standing or parking of a vehicle but is in violation  
23 of subdivision (a) of Section 5204, a person authorized to enforce  
24 parking laws and regulations shall issue a written notice of parking  
25 violation, setting forth the alleged violation. The violation shall  
26 be processed pursuant to this section.

27 (c) The civil penalty for each equipment violation, including  
28 failure to properly display a license plate, is the amount established  
29 for the violation in the Uniform Bail and Penalty Schedule, as  
30 adopted by the Judicial Council, except that upon proof of the  
31 correction to the processing agency, the penalty shall be reduced  
32 to ~~ten dollars (\$10)~~ *twenty-five dollars (\$25)*. The reduction  
33 provided for in this subdivision involving failure to properly  
34 display license plates shall only apply if, at the time of the  
35 violation, valid license plates were issued for that vehicle in  
36 accordance with this code. The civil penalty for each violation of  
37 Section 5204 is the amount established for the violation in the  
38 Uniform Bail and Penalty Schedule, as adopted by the Judicial  
39 Council, except that upon proof of the correction to the processing

1 agency, the penalty shall be reduced to ~~ten dollars (\$10)~~ *twenty-five*  
2 *dollars (\$25)*.

3 (d) Fifty percent of any penalty collected pursuant to this section  
4 for registration or equipment violations by a processing agency  
5 shall be paid to the county for remittance to the State Treasurer  
6 and the remaining 50 percent shall be retained by the issuing  
7 agency and processing agency subject to the terms of the contract  
8 described in Section 40200.5.

9 (e) Subdivisions (a) and (b) do not preclude the recording of a  
10 violation of subdivision (a) or (b) of Section 4000 on a notice of  
11 parking violation or the adjudication of that violation under the  
12 civil process set forth in this article.